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International Court of Justice

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Official Transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 31 January 1946, 1000-1245, Lord Justice Lawrence, presiding.

THE MARSHAL OF THE TRIBUNAL: May it please the Court, I desire to announce that the Defendants, Kaltenbrunner and Seyss-Inquart, will be absent from this morning's session on account of illness.

M. DUBOST: Before finishing, gentlemen, I must read you a few more documents concerning war prisoners.

First of all, it will be a document, No. 166, which we present under No. RF-377, in your book of documents. It concerns a note summarizing an interview with the Reichsmarshal on the 15th and 16th of May, 1944. Page 8, No. 22 -- extract from page 8, No. 20. The Reichsmarshal wants to propose to the Fuehrer that American and British who fire on towns by chance, on civilian trains that are running or on soldiers hanging by their parachutes shall be immediately shot on the spot. The importance of this documentneed not be underscored. It shows the guilt of the defendant Goering in reprisals against Allied military aviators brought down in Germany.

We shall not read Document L-117, which we submit under RF-378.

THE PRESIDENT: What page?

M. DUBOST: Page 88.

Two liberators brought down on 21 June 1944 in the District of Mecklenburg arrived at Klink with their crews intact, fifteen men all told. All were shot on the pretext of attempting to escape. The documents which we present to you on page 88 and which we submit under No. 378 relate to this murder. They were found in the files of the headquarters of the Eleventh Aerial Division and they give details as to the fact that nine members of the crew were handed over to the local police.

Paragraph before the last, third line. They were made prisoners and handed over to the protection police in the Warren Service. Lieutenants Helton and Ludka were handed over on the 21st of June by the protection

police to the SS Untersturmfuehrer and police commissar of the Criminal Police Stempel of the Security Police in Fuerstenberg (Mecklenburg).

Last paragraph. These seven prisoners were shot on the way while attempting to escape.

Last line of the page. Lieutenants Helton and Ludka are also supposed to have been shot on the same day, while attempting to escape.

Regarding the same Liberator, page 19: "Subject, Fall of the Liberator. "On 21 June 1944 at 11:30 A.M." -- this is the third paragraph -- "seven of them brought down or shot while attempting to escape."

Now, under No. RF-379, we submit F-553, which the Tribunal will find on page 101 of the Document Book. This document concerns the internment in concentration camps and extermination camps of war prisoners. Among the escaped prisoners a discrimination was made. If these were privates and non-commissioned officers who refused to work, they were generally sent to the camp and punished in conformity with Articles 47 and following of the Geneva Convention. If they were officers or non-commissioned officers -- this is a commentary I am making on the document; I shall read it -- On the other hand, if it was a question of officers or non-commissioned officers having refused to work they were handed over to the police and in general murdered without trial.

One understands the aim of this discrimination. Those of the French commissioned officers who in spite of the pressure of the German authorities refused to work in the German war industry, had a very high idea of their patriotic duty. Their attempt to escape therefore created against them a kind of presumption of inadaptability to the Nazi order, and they had to be eliminated.

Extermination of these elites assumed a systematic character from the beginning of 1944, and the responsibility of Keitel is unquestionably involved in this question of extermination which he approved if he did not specifically order.

The document which the Tribunal has before it is a letter of protest of General Berard, President of the French Delegation, with the German Armistice Commission, addressed to the German General, Vogl, the President of the German Armistice Commission. Its subject is information reaching

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France concerning the extermination of escapted prisoners.

First paragraph, fourth line: This note takes notice of a German organization independent of the Wehrmacht under whose authority the escaped prisoners fall. This letter was addressed on the 19th of April. This note was addressed on the 29th of April, 1944. Page 102.

"Captain Lussus, declares General Berard to the German Armistice Commission of Oflag, 10-C, and Lieutenant Girot of the same Oflag who had made an attempt to escape on 27 April 1944, were recaptured in the immediate vicinity by the camp guard. On 23 June 1944 the chief of the officers of Oflag 10-C received two funeral urns containing the ashes of these two officers. No details could be given to this French officer as to the causes of the death of Captain Lussus and of Lieutenant Girot. General Berard pointed out at the same time to the German Armistice Commission that the note -- which the Tribunal will find on page 104 -- had been communicated to Oflag 10-C to the French officer responsible for his comrades at Oflag 10-C. "You will bring to the attention of your comrades the fact that there exist for the control of people moving about illicitly a German organization which extends its activity over a region in state of war reaching from Poland to the Spanish frontier. Each war prisoner who escapes and is recaptured and finds himself in possession of civilian objects, or false identification cards and photographs, falls under the provision and authority of this organization. What becomes of him, I cannot tell you. Warn your comrades that this is a particularly serious question."

The last lines assume all their importance in the case of the two urns of the escaped officers, handed to the French officer of the camp.

Our Soviet colleagues of the Prosecution will present the conditions under which escaped officers were reprised.

THE PRESIDENT: Was there any answer to this complaint? What you have just been reading, as I understand it, is a complaint made by the French General, Girot, to the German head of the Armistice Commission, is that right?

M. DUBOST: Mr. President, I don't know if there was an answer. What I know is that the Archives were in part saved and in part destroyed.

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THE PRESIDENT: The Archives were --

M. DUBOST: If we had an answer we would have them in the Vichy Archives, for the documents we present now are the

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documents of the German Archives of the German Armistice Commission. As to the French Archives, I don't know what has become of them. In any case it is possible they may have disappeared through acts of war.

Will the Tribunal forgive me? I was bringing to its attention that my Soviet colleagues would expound the conditions under which the repression of escapes was carried out at the camp of Sougan.

We submit under No. 380, Documents 672-F, which the Tribunal will find on page 115 in its Document Book. This is a report from the Service of War Prisoners and Deportees, dated 9 January 1946, which relates to the deportation to Buchenwald of twenty French war prisoners. This report must be considered as an authentic document, as well as the reports of war prisoners which are annexed thereto. At page 115, the Tribunal may read the report of Claude Petit, former chief confidence man in Stalag 6-G. In September, 1943 -- and I am quoting the first paragraph -- French civilian workers in Germany and French war prisoners transformed into workers, it is to be understood, being deprived of all spiritual assistance, having no priests among them, Lieutenant Piard, chief aumonier of Stalag 6-G, after having spoken with the aumonier of the war prisoners of the Rodhain, decided to transform six war prisoner priests as volunteers to carry out their ministerial functions among the French civilians.

I quote only three lines of the following paragraph; the first:

"This transformation of priests, difficult to execute, since the Gestapo did not authorize the presence of aumoniers among civilian workers, these priests and a few scouts organized on the one hand a scout group, on the other hand a group of Catholic Action." On page 157, paragraph 3: "From the beginning of 1944 the priests felt themselves watched by the Gestapo in their various activities."

In the following paragraph, at the end of July, 1944, the six priests were almost simultaneously arrested and led to the prison of Brauweiler, near Cologne.

Page 118, first and second paragraphs:

"The same happened to the scouts."

I quote:

"Against this flagrant violation of the Geneva Convention, I took

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numerous steps and made numerous protests, in order that the prisoners of war arrested by the Gestapo might be handed over to the German authorities. I likewise asked to know the reason for their arrest."

Fifth paragraph:

"By reason of the rapid advance of the Allies who were approaching, all prisoners of Brauweiler were taken to Poland."

(Dr. Stahmer, Counsel for Defendant Goering, approached the lectern.)

Mr. President, before allowing the Defense Counsel to interrupt me, allow me to finish the reading of this document.

Finally -- the end of this paragraph -- the Tribunal learns that the German military authorities took steps in order that the fate of these prisoners be pointed out to them. The military authorities having no knowledge thereof, immediately undertook a correspondence with Buchenwald, a correspondence which remained without answer. And again, at the beginning of March, Major Bramkamp, chief of the Abwehr group was to go personally to Buchenwald.

On page 121 the Tribunal will find the list of the prisoners who thus disappeared.

Finally -- page 122 -- a confirmation of this testimony by Monsieur Souche, page 624, who in paragraph 3 writes :

"Certain war prisoners transformed into workers and French civilian workers had organized in Cologne a group of Catholic Action under the direction of the transformed war prisoners who were priests, Pannier and Cleton."

Finally, page 123 -- and this is the end of my quotation:

"The arrests began by the members of the Catholic Action and the accusations --

THE PRESIDENT: I do not know what Dr. Stahmer's objection is.

DR. STAHMER (Counsel for Defendant Goering): That we are not in a position to follow the expose. First of all, the translation is not very good. Some phrases -- sentences -- are left out. Especially, wrong numbers are mentioned. For instance, 612 has been mentioned. I have it here. It is quite a different document. We have not the document books and we can't follow the number of the page. It is not only myself, but also my colleagues who complain that they are not in a position to follow the .

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proceedings under these circumstances.

THE PRESIDENT: May I see your document?

(Handed up to the Bench)

DR. STAHMER: This number was just mentioned and is confirmed by the other gentlemen.

THE PRESIDENT: The document from which Monsieur Dubost was reading was 672. The document you have got there is a different number.

DR. STAHMER: But this number was given us over the microphone and it was only I but the other gentlemen next to me — quite independently -- who heard the same number. And it is not only this number, but all through, the numbers have been mentioned incorrectly.

Another difficulty is that we don't have the document book, and the number of the page doesn't mean anything to us. We don't have the document book.

THE PRESIDENT: Monsieur Dubost, I think the trouble really arises from the fact that you give the numbers too fast and the numbers are very often wrongly translated, not only into German but sometimes into English. It is very difficult for the interpreters to pick up all these numbers. First of all, you are giving the number of the document, then the number of the exhibit, then the page of the document book -- and that means that the interpreters have got to translate that many numbers spoken very quickly.

It is essential that the Defense should be able to follow the document, and as I understand it, they haven't got the document book in the same shape we have. It is the only way we can follow. But we have them now in this particular document book by page, and therefore it is absolutely essential that you go slowly.

M. DUBOST: Mr. President, the documents have all been handed to the Defense. All the documents have been presented to the Defense.

THE PRESIDENT: Are you telling us that document books have been handed to the Defense in the same shape they are handed to us, let us say, with pages on them? Speaking for myself, that is the only way I am able to follow the document. You mentioned page 115 and that does show me where the document is. If I haven't got that page, I shouldn't be able to find the document.

M. DUBOST: Mr.President, I announced at the same time RF-380, which is

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THE PRESIDENT: May I see your document?

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M. DUBOST: Mr.President, I announced at the same time RF-380, which is

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the number of the document. The 672 which is the number classification. All our documents bear a classification letter 672-F. On the other hand, it was not possible to hand to the Defense a document book paginated like the one of the Tribunal, for it is not in the same text that this book

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is submitted. It is in German and the page is not in the same place. There is not absolute identify of pagination to constitute a German Document Book. We can't --

THE PRESIDENT: I am telling you the difficulties under which the Defendants' Counsel are working, and if we had simply a number of documents without the pagination we should be under a similar difficulty. And it is a very great difficulty. Therefore you must go very slowly in giving the identification of the document.

M. DUBOST: I will conform to the wishes of the Tribunal.

Mr. President --

THE PRESIDENT: Dr. Stahmer, the document being read was Document 672.

DR. STAHMER: I cannot find this number in the document I have at my disposal. We have 673 and all the rest is loose-leaf. We had 672, but we don't have 673. I beg your pardon -- 673 we have, but I haven't been able to find 672 so far. So far we have not been able to find the document. It thereby makes it very difficult for us to follow the Prosecution, because it takes us so much time to find the number which has been mentioned.

THE PRESIDENT: I can understand the difficulty. Will you continue, Mr. Dubust, and do as I say, going very slowly so as to give the Defendants' Counsel, as far as possible, the opportunity to find the document. And I think that you ought to do something satisfactory, if possible, to make it possible for them to find that document -- by pagination or some other letters. An index, for instance, gives the order in which the documents are set out.

M. DUBOST: Three days ago two document books in French, paginated like the books that the Tribunal has before it, were handed to the Defense. We were only able to hand two to them, for reasons of a technical nature. At the same time, we handed to the Defense a sufficient number of documents in German to enable each defending counsel to have his file in German. Will the Tribunal ask me to bring together the pages of the French document which we submit to the Defense with the pages of the document book? Whereas the Defense can do it and had time to do it. Two days ago the document books were handed to the Germans. They had the possibility of collating the French texts with the German texts, to make sure that our translations were correct and to prepare

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themselves for the sessions.

THE PRESIDENT: Go on, Mr. Dubost. As I say, do it slowly --

DR. STAHMER: That is not quite correct, that we have received the book three days in advance. We received -- or we found -- in our room, these documents yesterday, not in good order, and we just didn't have the time to put order into these papers. That was in our room this morning.

THE PRESIDENT: Let's go on now, Mr. Dubost, and go slowly in describing the identification of the document.

M. DUBOST: We shall pass to Document F-357, which will be submitted under No. 381, which is on page 125 in the French Document Book. This document deals with the execution of general orders concerning the treatment of prisoners of war, and it contains the testimony of a German police officer who was made prisoner on 25 May 1945 and who on page 27, paragraph before the last, under-scored lines --

"All the war prisoners who we might have in our possession for any reason whatsoever were to be shot down by us instead of being handed over to the nearest Wehrmacht post as was being done until now." This has to do with an order which was given in the middle of May, 1944. And the witness continues:

"This execution was to be carried out in a deserted spot."

Page 128, the same witness gives -- paragraph 3 -- the names of the Germans having had to do with the war prisoners.

We shall now submit a document, which will become No. 382. The Tribunal will find it on page 129 in its Document Book. This is Document 1634-PS. This is a document which has not yet been read, which relates to the murder of 129 American war prisoners carried out by the German Army, in a field southeast and west of Baignez in Belgium on 17 December 1944 during the German offensive.

Page 129, bottom of the page. The author of this report summarizes the facts.

"Prisoners are gathered together in the proximity of the cross-roads"--

THE PRESIDENT: Where are you reading?

M. DUBOST: I am summarizing, Mr. President, page 130 -- 129 and 130.

The American prisoners are brought together near the cross-roads. A few soldiers whose names are indicated rush across the fields towards the west,

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hide among the trees in the high grass and thickets and ditches, and thus escape the massacre of their companions. A few others who at the moment when this massacre began were in the proximity of a barn were able to hide in it. These are other survivors.

Third paragraph. The artillery and machine-gun fire on this column of American vehicles lasted from ten to fifteen minutes. Then there appeared on the national highway two German tanks and a few caterpillar trucks which came from Weismes. When these vehicles reached the crossing they turned out on the St. Vith Road. The tanks fired with machine guns into the ditches of the road where the American soldiers were crouching. At the site the other American soldiers threw down their weapons and raised their arms above their heads. All the American soldiers who had surrendered were given the order to return to the road crossing and German soldiers who were on some German vehicles before which the American war prisoners were passing made them hand over their personal objects, like watches, rings and gloves. The American soldiers were then gathered on the road of St. Vith before a house situated on the southeast corner of the crossing. Other German soldiers arriving in tanks or small caterpillar trucks continued to search the American prisoners at this pot and likewise removed from them objects of value.

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Top of page 131, before the end of the paragraph: An American prisoner was questioned and led with his other comrades to the crossroads which have just been referred to.

Third paragraph: At about the same moment, a German vehicle (I skip two lines) tried to maneuver in such a way as to be able to point its guns on the group of American prisoners who were in the field 20 to 25 metres from the road. (I skip again four lines.) Some of these (this refers to the German vehicles) stopped before the field where the American prisoners were standing with their arms lifted or their hands drawn behind their heads. A German soldier, undoubtedly an officer or a non-commissioned officer, got up in one of the stopped vehicles and pulled out his revolver, aimed, and fired into the group of American war prisoners. One of the Americans fell. The same thing happened again and another American soldier of the group fell. Almost at the same moment -- and this is at the beginning of the massacre -- the machine guns of two of the vehicles on the road opened fire on the group of American soldiers in the field. All or most of the American soldiers threw themselves to the ground and remained there during the firing, which lasted two to three minutes. Most of the soldiers in the field were hit by the firing of the machine guns.

The German vehicles which were on the road continued on their way south. They were followed by other vehicles, likewise coming from Weismes, and when these last vehicles passed before the field where the American soldiers were stretched out, individual shots were fired from these moving vehicles on the recumbent corpses in the field.

Page 132, first paragraph. I summarize: German soldiers who were mounting guard at the crossroads went over to the wounded prisoners who were lying on the ground and who still gave some sign of life.

Fifth line before the last of the paragraph: They struck them with blows of their gun butts or with other hard objects. On several occasions American prisoners received a shot, fired apparently at a very short distance, exactly between their eyes or in the temple or behind the head. This act constitutes an act of pure terrorism, the shame of which will remain upon the German Army, for nothing justified this. They knew that the prisoners were

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unarmed and had surrendered.

The Tribunal authorized me yesterday to present the documents on which the French accusation is based to establish the guilt of Goering, of Keitel, of Jodl, or Bormann, of Frank, of Rosenberg, of Streicher, of Schirach, of Hess, of Frick, of the OKW, of the OKH and the OKR, of the government of the Reich, and the Corps of the Nazi Party leaders, as well as of the SS and the Gestapo in the atrocities committed in the camps. I shall be very brief. I have very few documents to present in addition to those which have already been presented.

The first puts Kaltenbrunner under accusation. The Tribunal will find this document on page 246. The number is L-35 in the document book concerning concentration camps. This document has not yet been submitted. Paragraph 3, page 246, L-35: This is the testimony of Rudolf Miltner, Doctor of Law, Colonel of the Police, who declares, paragraph 2 of his declaration:

"The internment orders were signed by the Chief of the SIPO and of the SD, Dr. Kaltenbrunner, or by delegation by the chief of service for the SS, Gruppenfuehrer Mueller."

In submitting this it becomes document 383.

As concerns Goering, we submit American document 343-PS, page 203, second document book. This is a letter from Field Marshal Milch to Wolff. On page 204, this letter concludes with this phrase:

"I express to the SS the special thanks of the Commander-in-Chief of the Luftwaffe for the considerable aid brought by them." Now, from what precedes one can conclude that these thanks are relative to the biological experiments of Dr. Rascher. Thus, Goering is involved in these. The German Medical Corps is implicated; the SS Medical Corps is implicated. This one can gather from document 1635, which has not yet been handed to the Tribunal, which becomes document RF-385, which the Tribunal will find in the annex of the second document book. The number of the document is 1635-PS. These are extracts from reviews of microscopic anatomic research. These extracts deal with experiments made on persons who died suddenly, although they were in full health, and the conditions of their death are put forth by the experimenter:

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in such a way that no reader can be in any doubt as to the conditions under which they were brought to their death.

With the authorization of the Tribunal, I shall read a few brief extracts. Page 132, at the very top of the document which we submit to the Tribunal:

"The thyroid glands of 21 persons between 20 and 40 years of age who were supposedly in good health and who suddenly died were examined."

The following paragraph: "The persons in question, 19 men and 2 women, lived until their death for several months in uniform outward conditions, and likewise as concerns their food. The food absorbed at the end consisted chiefly of hydrocarbon."

Paragraph before the last: "In the course of a rather long period, substance for the experiment was taken from the liver of 24 adults in good health, who suddenly died between 5 and 6 o'clock in the morning."

In examining these documents, as well as the originals, the Tribunal will see that the German medical literature is very rich in experiments carried out on adults in good health who died suddenly between five and six o'clock in the morning. No one in Germany could be a dupe or could be fooled, since in this way publicly the accounts of experiments were published. These were the experiments of SS doctors in the camps.

A last document is F-185 b and a, relative to an experiment with poison bullets, carried out on the 11 of August 1944, in the presence of SS Sturmbannfuehrer Dr. Ding and Dr. Widmann, page 187 of the second document book concerning the concentration camps. These two documents are submitted under numbers 386 and 387. The Tribunal will find on page 187 the description of this experiment, in which the victims are persons sentenced to death, and where, in fact --

THE PRESIDENT: The document has been read already, I think.

M. DUBOST: F-185. It is a French document.

THE PRESIDENT: But I can't help that. It has been read already, I think.

M. DUBOST: I beg the Tribunal's pardon. I didn't realize that. It is a document from the French archives. However, Mr. President, I doubt

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that the Tribunal has heard the reading of document 185b, which is by the French Professor, Mr. May, a surgeon. This document is on page 222, second paragraph. Professor May, Agrege of Surgery, to whom the pseudo-scientific documents to which I alluded a while ago were submitted -- accounts from scientific reviews of experiments -- wrote:

"The wickedness and the stupidity of the experimenters fill us with amazement and stupefaction. The symptoms of intoxication with aconitine have been known from time immemorial. This poison is sometimes employed by certain savage tribes to poison the arrows of their arsenal. Never has one heard that it has been seen that observations should be presented in such a pretentious style on the foreseeable result of their experiments, nor that these could be signed by a D.O.Z., that is to say, a professor."

We now submit document 278a, under number 388. The Tribunal will find it on page 75. It involves Keitel. It is a letter signed by order, Dr. Lehmann, 17 February 1942. It is

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addressed to the Ministry of Foreign Affairs, and it involves Keitel. I quote paragraphs 2 and 3 on page 75, which concern the regime in the internment camps:

"The delinquents brought to Germany in application of the edicts of the Fuehrer are to have no relation of any kind with the outside world. They must, therefore, neither write themselves nor receive letters nor packages nor visits. The letters, packages, and visits are to be refused with the remark that all relations with the outside world are forbidden. The high command shares the point of view of the receiver of this letter, in his letter of 31 January 1942, according to which access of Belgian lawyers to Belgian prisoners shall not be permitted."

We now submit document 682-PS, page 134 of the second document book, which becomes No. 389. This document involves the German Government and the Cabinet of the Reich. A conversation between Dr. Goebbels and Thierack, Minister of Justice, 1942, in Berlin:

"As concerns the extermination of the asocials, Dr. Goebbels is of the opinion that the following groups should be exterminated: Jews and nomads without discrimination; Poles who have three or four years of penalty to be executed; Czechs and Germans sentenced to death or to forced labor for life or placed in the security detention for life."

THE PRESIDENT: Has that document been read before?

M. DUBOST: This document does not seem to have been read before. We informed ourselves. I am sorry; that was my fault: "The idea of exterminating them by work is the best idea."

The last document that we shall submit in regard to the concentration camps is document F-162, which becomes document 390. Page 77 and 78, second document book. This document is the testimony of M. Poutiers, living in Paris, Place de Breteuil, who indicates that the prisoners in the commandos of Mauthausen worked under the direct control of civilians, the SS dealing only with the surveillance of the prisoners. This witness, who was in numerous work commandos, specifies that all were controlled by civilians, and only supervised by the SS, and that, thus, the inhabitants of the country, in the going and coming of the workers to work, could observe the distress

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of the prisoners, which confirms the testimony which has already been given before your Tribunal.

We shall summarize the progression of the German criminal policy in the West: At the beginning of the occupation, violation of Article 50, Execution of Hostages, brought the creation of a psuedo law of hostages, in order to justify these executions in the eyes of the populations of the occupied countries.

In the years that follow, the contempt for the rights of the human person increase. It will be complete in the last months of the occupation. At that time arbitrary imprisonment with summary trials or without trials will become daily practice. The sentences, the Tribunal will remember, will cease to be observed in cases of acquittal or of pardon, and the people acquitted by German tribunals, who should be put at liberty, will be deported and will die in concentration camps. In a parallel way, the organization of the French who remain on the soil of France and who refuse to let their country die. At this stage the German terrorism becomes more violent against them and grows from month to month, and what follows is the description of the terroristic repression of the German against the patriots of the West of Europe, against what was called the "Resistance", without giving this word any other meaning than its generic sense.

From the time when Germany understands that its policy of collaboration is doomed to defeat, that its policy of hostages only exasperates the fury of the people which it is trying to subdue, then, instead of modifying its policy with regard to the citizens of the occupied countries, it reinforces the terror which already reigns over these countries, and tries to justify itself by saying it is an anti-communist campaign.

What one must think of this pretext the Tribunal already knows. All the French, all the citizens of Europe, without distinction, without any distinction of party, profession, religion or race, were involved in the resistance against Germany and were involved in the collective charnel houses to which Germany sent them. But this deliberate and calculated confusion justified to a certain arbitrary degree the repressive measures, this arbitrariness which we have already witnessed by document F-278,

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page 4 of the document book, which we submit under No. 391, dated 12 January 1943, signed "Falkenhausen."

THE PRESIDENT: Which document book is it?

M. DUBOST: Terrorist Actions against the Patriots, document F-278, page 4, second paragraph:

"Persons who are found without a valid authorization, having in their possession explosives and firearms, may be immediately shot in the future without any judicial process."

This order continues to be executed even after the Allied landing in Western Europe. These orders are even executed against organized forces in Belgium as well as in France, although the Germans themselves considered these forces as troops in a certain measure. This can be verified by reference to document FS-673, page 167, third paragraph.

THE PRESIDENT: That is in a different book, I am afraid, isn't it?

M. DUBOST: We are now dealing with the Terrorist Actions Against Patriots, and is in the document book entitled "Terrorist Actions Against the Patriots."

THE PRESIDENT: The number of the page came through to me as one hundred sixty something, and my pages end at 155.

M. DUBOST: Excuse me; I made the mistake. It is page 6 of the document book, paragraph 3, third line:

"The action of the German troops, even taking account of the guilt of those killed" --

THE PRESIDENT: Is this from 673? Are you reading from 673?

M. DUBOST: Excuse me, Mr. President, this document is surely not before the Tribunal, and I shall not quote it.

THE PRESIDENT: Perhaps this would be a convenient time to break off.

(Whereupon a recess was taken from 1125 to 1140 hours.)

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THE PRESIDENT: Yes, M. Dubost.

M. DUBOST: During the few minutes recess the opportunity was afforded me to submit RF-673, which I submitted to you, and I am thankful to the Tribunal. This document is now before you. It has just been given to you. In paragraph three of this document, which is a note of presentation to the Wiesbaden Commission, we read the following:

"The action of the German troops, even if we take account of the realities of the presenting of facts by the French, is taking place within the scope of combats which by far exceed any police action against isolated outlaws. On the enemy side we have organizations which absolutely refuse to accept the sovereignty of the French Government of Vichy, which also from the point of view of numbers as well as of armament and as well as with regard to the command, must also be designated as troop units. It has often been reiterated that these revolutionary units consider themselves as being incorporated in the Allied forces which are fighting against Germany.

"General Eisenhower has designated the terrorists who are fighting in France as 'Troops under my orders.' It is against the latter (and the original is written in red pencil unfortunately) that preventative measures are intended."

This document shows us that in the very midst of action the French forces of the interior as well as all French forces in the Western countries were considered as troops by the German Army itself.

THE PRESIDENT: I see that it may be useful for the record. It is in the document book, on the extermination of innocent populations, at page 167.

M. DUBOST: I thank you, Mr. President. The patriots who were therefore considered by the German Army as constituting regular troops, are they then to be treated as soldiers? No. The order of Falkenhausen is proof thereof. They were either to be brought down on the spot, and nevertheless they are combatants, or else they will be turned over to the Sicherheitspolizei, and they will be tortured to death by organizations which are free of any legal compulsion.

835-PS, which is already deposited under No. USA-527. Proof thereof is

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also given in F-673, page six in your document book, which we are now placing before you. F-673.

THE PRESIDENT: What page?

M. DUBOST: Six of your document book.

THE PRESIDENT: Of the same document book?

M. DUBOST: This is the only book of documents that we are referring to now. Terrorist action against patriots. F-673, on page six of the book, which is now before your eyes. The whole of that document has already been deposited under No. 323. F-673 is a considerable bundle of papers which comes from the archives of the German Commission at Wiesbaden, and we are placing it in in its entirety under No. 392 after placing it under our own number 673. It will be one of the documents quoted in reference to this German question.

Letter of the Fuehrer's headquarters, 18 August 1944, thirty copies, number twenty-six. It deals with secret matters of command. First of all, struggle against the terrorists and the saboteurs in occupied territories. Second, jurisdiction against non-German civilians in occupied territories.

THE PRESIDENT: Is this page twenty-six?

M. DUBOST: No, sir; page six of the document book. First of all, as added documents, says the writer of this letter, we are transmitting a copy of the order of the Fuehrer of 30-7-1944, and the first supplementary ordinance of 18-8-44. This order of the Fuehrer of 30-7-44 will be found on page nine of your document book. Here is the order, page nine, paragraph three.

"I order the troops and every individual member of the Wehrmacht, the SS, and the police immediately to shoot down on the spot terrorists and saboteurs who are caught in flagrante delicto. Whosoever shall be captured later is to be transferred to the nearest local service of the Security Police and of the SD. The sympathizers, specifically women, who are not taking a direct part in the struggle, are to be placed at work."

We know what that means. We know the regime of labor in concentration camps. But I shall proceed with reading the document of the letter of trans-

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mittal of this order, paragraph four. This paragraph is a commentary on the order itself.

THE PRESIDENT: Hasn't this been read before?

M. DUBOST: It has never been read, Mr. President.

This is F-673 of the Wiesbaden Armistice Commission. "The present judicial procedure against any act of terror or sabotage or any other crime committed by civilian individual non-Germans in occupied territories, and which places in danger the security and the rapidity of the execution of the occupying power, is to be suspended. This compliance has to be withdrawn. The execution need no longer be ordered. The order as well as the files are to be turned over to the Security Police and the SD."

This order, which is to be transmitted to all commanding generals, as indicated on page seven, is accompanied by one last comment on page eight. The penultimate paragraph.

"The non-German civilian individuals in the non-occupied territories who should endanger the security or the rapidity of the application of the occupying power in a manner other than through terror and through sabotage action are to be turned over to the SD." This order is signed "Keitel."

This comment which we have just read to you - Keitel has associated himself with the order of his Fuehrer. It has led to the execution of numerous innocent individuals, because anyone who is suspected to be a terrorist - this will be striking innocent onces even more than it will terrorists. Moreover, the comment from Keitel exceeds even Hitler's own order. Keitel applied the stipulation emanating from Hitler, on page nine of your document book, to a hypothetical case which has not been anticipated there, to wit:

"Attempts committed by non-German civilians in occupied territories which endanger the security or the rapidity of application of the occupying power." This is from the General himself. It is a political act which has nothing to do with the conduct of operations. It is a political act which compromises and binds him and brings him to participate in the development, the extension of the Hitlerian policy; inasmuch as the interpretation of an order from Hitler is within the spirit of the order perhaps, but beyond the

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scope of the order.

Instructions were given to the SIPO and the SA to carry out this order. These instructions were applied. Document F-574 on page ten of your document book, which is placed before you under No. 393, is a testimony from someone by the name of Goldberg, who was staff sergeant in Chalon before the liberation of that city. He was captured by the patriots and interrogated by them by the divisional commissar, who was in charge of the judiciary police of the region. The defendant will certainly not reproach us for having had him examined by a subaltern police officer. He comes from the region of Dijon, and he interrogated this witness. The witness declared, page twelve, at the bottom of the page:

End of May 1944. Without having seen any written order on this subject, the Sicherheitspolizei of Chalon had the right to pronounce capital punishment and to have the sentence executed without those concerned having appeared before a tribunal and without the case having been submitted for the approval of the commander in Dijon. This is the chief of the SD in Chalon, that is to say, by the name of Kruger, who had every necessary authority to make such decision. There was no opposition so far as I know on the part of the SD of Dijon, which allows me to conclude that this procedure was according to the regulations and was the consequence of instructions which were not officially communicated to me but which emanated from higher authorities."

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The execution was inspired by members of the SD. The names are given by the witness, but they are not of particular interest to this Tribunal, which is only concerned with the punishment of principle culprits, those who gave orders and from whom orders emanated.

Now, where these orders applied in the various countries of the West:

In Holland, according to the testimony found in the report given by the Dutch Government -- page 15 -- three days after the attempt against Rauter, we may read:

"Dutch patriots were assassinated by the German political police."

This Dutch document is classified under the French file as F-224, and it has been submitted to you, but the specific passage to which I refer has not been read.

The witness continues, at page 16 of your Document Book: "A member of the police, whose name is unknown to me, and who told me that this execution was vengeance as a result of the attempt against Rauter, told me also that hundreds of terrorists" -- and this is at the top of page 16 -- "hundreds of terrorists had been executed."

In the penultimate paragraph of page 17, another witness stated: "About 6 o'clock in the evening it was a German who gave the orders to execute the Dutch patriots." This is the next to the last paragraph: "About 6 o'clock in the evening I went to my office and there I received the order to have 40 prisoners shot."

At page 19, at the very bottom of the page, those who carried out the inquiries, who were Canadian officers, state the conditions under which the corpses were discovered. I don't believe that the Tribunal will want me to read this passage.

On page 21 the Tribunal will find a supplement to the report of Munt on the shooting of these Dutch patriots, which completes the report of 4 June, 194

The execution was carried out upon order from Kolitz; 198 prisoners were transported. Munt defends himself for having favored the execution of the Dutch patriots, but he says that it was impossible for him to prevent it, in view of the order from higher sources which he had received.

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On page 22, next to the last paragraph, Munt states: "After an attack against two members of the Wehrmacht on two consecutive days -- on this occasion they were both wounded while their rifles were taken away from them-- my chief insisted upon having 15 Dutch citizens shot; 12 were shot.

A basic, important document is to be found on page 30 in your Document Book. It is still included in F-224, which comprises the documents resulting from the inquiries made by the Dutch Government. This is a decree concerning the proclamation of summary justice for the Netherlands Occupied territories. It is signed by the Defendant Seyss-Inquart, and therefore we must go up to his echelon when we seek the principal responsibility for these summary executions of patriots in Holland.

From this decree we emphasize paragraph 1:

"I proclaim, for the Netherlands Occupied Territories, in its entirety, summary police justice, which shall enter into force immediately. Simultaneously, I order that each one abstain from any kind of agitation which might disturb public order and the security of public life."

I skip a paragraph.

"The top leader of the SS and of the police will take every step deemed necessary by him for the maintenance or the restoration of public order, or for the security of public life."

The following paragraph:

"In the execution of his task he can deviate from the law in force."

The words "summary police justice" do not deceive us. This is purely and simply a matter of murder, inasmuch as the police is authorized, in executing its functions, to deviate from the law in force.

This sentence which Seyss-Inquart signed, and which protected his subordinates who assassinated Dutch patriots with regard to German law, is the very condemnation of Seyss-Inquart.

To carry out this decree, on the following page the Tribunal will see that on the 2nd of May -- and this is page 32 of your Document Book -- a summary police tribunal pronounced the death sentence against ten Dutch patriots.

At page 34 of your Book, another summary police tribunal pronounced the

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death sentence on ten other Dutch patriots. All of them were executed.

At the next page, still to apply this said decree, summary police tribunal pronounced the condemnation to death of a patriot, and he was executed.

This Document F-224 comprises a very long list of similar acts, which it appears superfluous to cite before you now. The Tribunal may refer to the last only, which is especially interesting. We may consider it for a moment; it is at page 46 of your Document Book. That is the report of the Identification Service of the Netherlands, according to which, while it was not possible to make known at that time the number of Dutch victims, or the number of burghers who were shot by the military units of the occupying power, we can state now that a total of more than 4,000 of them were executed.

You have, then, the declared list of the executions, together with the places where the corpses were discovered.

This constitutes only a very fragmentary aspect of the sufferings endured by Holland and the sacrifices in human life which were made by Holland in our common cause, which needs to be stated because that is the consequence of the criminal orders of the Defendant Seyss-Inquart.

In the case of Belgium, the basic document is the French Document F-685, submitted under 394, and you will find it on page 48 of your Book. It is a report drawn up by the Belgian Commission on War Crimes, which deals only with the crimes committed by the German troops at the time of the liberation of Belgian territory, September 1944. These crimes were all committed against Belgian patriots who were fighting against the German Army. It is not merely a question of executions, but ill-treatment and tortures as well are involved.

Page 50: "At Graide a camp of the secret army was attacked. Five corpses were frightfully mutilated when they were discovered." That is the first paragraph at the top of page 50. "The Germans utilized bullets, the tips of which had been sawed off. Some of the bodies had been pierced with bayonets. Two of the prisoners were beaten with sticks before being finished with a pistol shot."

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The prisoners were soldiers who were taken with weapons in their hands, and in battle, and belonging to those units which unofficially, according to the testimony of documents formerly cited to you, were considered in the German General Staff as from that time on being combatants.

The sixth paragraph: "At Foret, on 6 September, several hundred men of the Resistance were billeted in the Chateau de Foret. The Germans, having been warned of their entering into operation, decided to carry out a repressive operation. A certain number of members of the Resistance, who were not armed, sought to flee. Some were brought down; others succeeded in reaching the castle, not having been able to go through the cordon of German troops; others were finally made prisoners. The Germans came behind the Resistance whom they had taken as prisoners. After two hours the fighting stopped for lack of ammunition. The Germans promised safety to those who surrendered. Some of the prisoners were loaded on the lorry; the others, in spite of the word given, were massacred after having been tortured. The castle was set on fire, and the corpses, sprinkled with gasoline, were also set on fire. Twenty men perished in this massacre; fifteen others had been killed in the course of combat."

The examples are numerous. This testimony to heroic Belgium was necessary. It was necessary that there should be recalled here what we owe to these combatants of the secret army and the price paid by those armies.

With regard to Luxembourg, we have a document given to us by the Ministry of Justice of the Grand Duchy of Luxembourg, which is UK-77, already submitted under number 327, which the Tribunal will find on page 52 of the book of documents.

At page 53, paragraph 4, the Tribunal will note that a special summary tribunal, similar to those which functioned in Holland, was constituted in Luxembourg, that it did function in that country and pronounced a certain number of sentences--21 death sentences--all of them equally arbitrary in view of the arbitrary character of the

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tribunal which pronounced such sentences.

On page 54 is contained the official accusation made by the Grand Duchy of Luexembourg against all members of the Cabinet of the Reich, specifically against the Ministers of Interior, of Justice, and the Chancellery of the Party, against the leaders of the SS and of the Police, and specifically against those of the Reich Commissar fuer die Festigung des Deutschen Volkstums.

In the case of Norway, document UK-77, already submitted under number 326, shows, in the third paragraph, at the middle of the page--

THE PRESIDENT: What page?

M. DUBOST: Page 55 of the document book--that a similar tribunal, similar to that special tribunal established in Holland by the police, was in operation in Norway. It was an SS Tribunal. More than 150 Norwegians were condemned to death. That is the next to the last paragraph on that page.

Moreover, the Tribunal will remember the testimony of Mr. Cappelen, who came before you to say what his country and his compatriots had endured.

As to the case of Denmark, at page 57 of your document book, F-666, already before you, our F-278, page 59, the Tribunal will note that, according to this official report submitted by the Danish Government, there operated in Denmark police court-martials similar to those which functioned in Luxembourg, in Norway and in Holland. These summary tribunals for the police, made up of SS or policemen, in fact disguised the arbitrariness of the police and of the SS, which arbitrariness was not only a matter of intolerance on the part of the Government, but was wielded by the Government, as can be shown by documents which we have placed before you at the beginning of this presentation. We therefore can assert that the victims of those tribunals were assassinated without having been able to justify or defend themselves.

In France the question should be carefully examined. The Tribunal

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does know that from the very moment of landing, answering the call of the General of the Headquarters, the French secret army started the battle. Undoubtedly, in spite of the warning given by the Allied staff, these combatants--to which, unofficially, a few weeks later, there was to be granted the quality of combatants on the part of the Germans--at the beginning, found themselves in a rather irregular situation. In many instances the thought was that they were Franc-Tireurs, and it is admitted that they could be condemned to death; but we do protest, because they were not condemned to death, but they were assassinated after having been shamefully tortured, and we are going to give you proof thereof.

Document F-577, which has been placed before you under number 395, is to be found on page 62 of your document book. It states that on 17 August, on the eve of the liberation of Rodez, the Germans shot 30 patriots with a submachine gun. Then, to finish them, they detached large stones from the wall of the trench in which they were and hurled them on the bodies, with a little dirt. The chests and the skulls were crushed.

Document F-580, page 79 of your document book, which was placed before you under number 396, shows that five Maquis--these religious who were certainly not communists--were assassinated, after having been tortured, because they belonged to a group of the secret army. Thirty corpses in all were discovered after this execution, after this punitive operation carried out by the German Army.

At page 95 the Tribunal will read the result of the inquiry and will see under what conditions, after having been tortured, these five religious were brought down and under what circumstances were arrested and deported with a few members of the same religious order, a staff of the Resistance group, who had been betrayed.

In the fourth paragraph before the end of the page, starting from the bottom, the testimony, or the proof thereof, is before you, that people belonging to the Maquis in the Fortress of Acheres were

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arrested and tortured after having been incarcerated in the prison of Fontainebleau. We even know the name of the German of the Gestapo who tortured these patriots. His name is of no consequence, however. Korff carried out the orders that were given by Keitel and by others, whose names were enumerated a while ago.

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Document F-584, page 87, at Pau -- this document will be 397, and the Tribunal will find it at page 87. At page 88 the Tribunal will note that when the bodies were found, it was discovered that ten of them had been blindfolded before being shot. Eight had had their arms broken, either by wounds or by torture, and many had wounds in the lower parts of their legs due to very tight bindings.

This is the report of the Commissar of Police, drawn up on 28 August 1944, on the day following the liberation of Pau.

We now place F-585, under number 398, before you, and the Tribunal will find it at page 96 of the Document Book. I summarize:

The day following the liberation, 38 corpses were found in two graves in the mountain of Var. They were able to identify one of the leaders of the resistance of the area of Nice, and with him two parachutists, Pageaut and Manuel. From this massacre a witness was found; his name is Quirot, whose statements are transcribed on pages 11 and 12 of this document, pages 105, 106 and 107 of your own Book of Documents.

Quirot was tortured, along with his comrades, without having had the chance of having counsel or a chaplain. The thirty eight men were taken to the woods. They appeared before what was after all a parody of a Tribunal made up of SS. They were condemned to death and the sentence was carried out.

We place now before the Tribunal Document F-586 under Number 399. The Tribunal will find it on page 110 of the book of documents. It deals wit the execution at Saint Nazaire en Royans of thirty-seven patriots, members of the French Secret Army, who were tortured before being executed. The Tribunal will read on page 110, at the beginning of Paragraph 2, the statement of facts by one of the eye-witnesses.

"I came through the ruins and I arrived at the Chateau of Mrs. Laurent, the widow. There a frightful spectacle awaited me. The castle, which had been used by the men of the Gestapo for the torturing of the young men of the Maquis, had been set on fire. In a cellar there was the calcinated corpse which prior to that had had its forearms and foot pulled away and was perhaps burned to death."

But I proceed. Everywhere where the Gestapo acted one encountered

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the same spectacles.

Now we place before the Tribunal Document F-699, which relates to the assassination at Grenoble of forty-eight members of the Secret Army; all of them were tortured. It is placed before you under Number 400. It begins on page 112 of your document book.

I now come to F-587, which we place before you under Number 401. The Tribunal will find this document on page 115 of the document book. It concerns the execution by hanging of twelve patriots at Nimes, two of whom were seized in the hospital where they were under care for wounds received in battle. These young men, all of them, had been captured in combat at St. Hippolyte-du-Fort (paragraph 4 of page 115) and the bodies of these wretched men were profaned. They, on their chests, had a sign thus written: "Thus are French terrorists punished."

When the French sought to render the last honors to these unfortunate men the bodies had disappeared. The German Army had them taken away and they have never been able to find them again and it is a fact that two of these people were seized from the hospital.

Document F-587 contains also the report of a witness who came to fetch the men from the hospital, where they were being cared for.

I place before you now Document F-561 under Number 402. It is found on page 118 of your book. It deals with the execution in Lyon of one hundred and nine patriots, who were shot under inhuman conditions.

They were brought down at the end of a day's labor on the 14 of August. The Allied aviators had bombed the Bron Airfield (second paragraph of page 118). The German

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authorities employed from the 16th to the 22nd of August civilians and internees at the Fort of Montluc at Lyon. These men filled the craters made by the bombs. Finally, at the end of the day, when the work was finished, (this is at the end of paragraph 2) the civilian requisitioned laborers were going away while the internees were shot on the spot with gun shots, after having been more or less ill-treated and their bodies were stacked in craters, not yet filled.

Document F-591, which we place under Number 403 and which appears on page 119 of the document book before the Tribunal, is a report of atrocities committed by the German Army on 30 August, 1944 at Tavaux in Aisne. That day, during the afternoon, German soldiers of the Adolf Hitler Division arrived at Tavaux. They appeared at the home of M. Maujean, who was the leader of the Resistance. His wife opened the door. This is paragraph 2. Without any explanation they shot her, wounding her in the thigh and also in the lower jaw. They dragged her to the kitchen; they broke one arm and one leg. In the presence of her children, aged nine, eight, seven, six years and eight months, they sprinkled her with an inflammable liquid and they burned her in front of them. The older child held his little sister, eight months old, in his arms.

They then stated to the children that they were going to shoot them if they did not say where their father was. But the children said nothing, though they knew where the father was. Before leaving, they took the children down to the cellar. They locked them in and they spread gasoline in the house and set it on fire. The fire was put out and the children were saved. These facts were stated to M. Maujean by the oldest child. No other person was a witness to these facts because the inhabitants, frightened by the first houses set on fire, had sought refuge either in the trenches or in the fields and woods in the vicinity.

During the same evening twenty-one persons were killed at Tavaux and eighty-three houses were set on fire.

On the following page there is a report transmitted by the Gendarme Carlier on the day following the events.

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On page 121 the Tribunal will find French Document F-589, which we place under Number 404. This document shows the provisional total of murders of patriots committed in the region of Lyon, under date of 29 September, 1944; 713 victims have been uncovered in eight departments, 217 only have been identified. This figure is approximate; it is definitely less than the number of people who have been missing in the same eight departments, Ain, Adeche, Drome, Isere, Loire, Rhone, Savoie, Haute Savoie.

A German general, General Brodowski confessed in his journal, which fell into our hands, that he had caused the assassination of numerous patriots and that Wehrmacht Police and SS, operating simultaneously, were equally responsible for these murders. These troops murdered wounded men in hospital camps of the French Forces of the Interior. This document, which is under Number F-257, is placed before you under Number 405 and is to be found on page 123 of your document book.

On page 125 -- "the police and the Army are but one."

The last full paragraph:-

"I have been charged with the restoration and have the authority of the Army of Occupation in the Department of Cantal." This is under date of 6 June, 1944.

Paragraph 5: -- "General Jesser has been charged with the tactical direction of the undertaking. All troops available for the separation will be subordinate to him as well as all other forces."

Paragraph 6 -- "The Major of the SIPO and of the SD, Captain Geissler, remains at my immediate disposal. He will submit proposals for the possible intervention --" and so forth.

The last paragraph: -- "The staff and the two battalions of the SS Panzer Division Das Reich are, in addition, to remain available for the operation of Cantal."

Then on page 127 -- this general turned over to the SD, which is equivalent to execution, some prisoners. These prisoners were wounded on the 15 of June, 1944. The Prefect of du Puy asked for the release of the men wounded in the battle of Montmouchet but they requested that they be turned back to them as prisoners of war. The German general, executing the orders of Keitel and

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of the German Headquarters said that these men are to be treated as "francs tireurs" and are to be taken to the SD or to the SD or to the Abwehr. "They will be turned over to the German Police and tortured without judgment."

Page 129 --- "Execution without any judgment" --- according to the statement of Geissler --- "Any man turned over to the SD is executed without judgment."

On 21 June, 1944, the facts took place as indicated by Geissler. Paragraph 4 at the end -- "All suspects who will be arrested will be then turned over to the SD."

On the date of 16 August, 1944, page 133, this general of the German Army calls for the assassination of forty-four men after combat at Cosnat. This is in the second paragraph of page 11 of the document.

"In the course of the operation Jesser on the 15 of August, twenty-three persons were executed. (martial law) Attack of Cosnat, three kilometers east of St. Hilaire, during the night of the 17 of August, forty terrorists were shot down."

On page 136 -- this German general recognizes in his own j ournal that our comrades were fighting as soldiers and not as terrorists (paragraph 5). This general of the German Army acknowledges that the French Forces of the Interior took prisoners and southeast of d'Argenton, thirty kilometers east of Chateauroux, they discovered a group of terrorists. Sixteen German soldiers were liberated, arms and amunition were captured, seven terrorists were killed; two of them were captains. One German soldier was seriously wounded.

Another similar incident is related on page 137, at the very top of the page.

"Discovery of two camps of terrorists in the region of d'Argenton. Nine enemies were killed, two of whom were officers. Sixteen German soldiers were liberated." At the bottom of the page it states:

"We liberated two SS men."

The soldiers were entitled to the respect of their adversaries. They conducted themselves as soldiers and they were assassinated.

I am through, Mr. President, if the Tribunal will give me five minutes. I will only need one hour to present the remainder of my case this afternoon.

THE PRESIDENT: We will adjourn now until two o'clock.

(Whereupon, at 1250 hours the Tribunal adjourned until 1400 hours of the same day)

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 31 January 1946, 1400-1700 hours, Lord Justice Lawrence presiding.

MARSHAL OF THE COURT: May it please the Court, I desire to announce that the defendants Kaltenbrunner and Seyss-Inquart will be absent from this afternoon's session on account of illness.

M. DUBOST: We had arrived, gentlemen, at the presentation of the terrorist policy applied by the German Army and the German police, the SS. All of them united together in their evil task against the French patriots.

The militant patriots were not the only ones to be the victims of this terrorist policy. There were threats of reprisals against their relatives, and these threats were carried out with deeds.

We place before you Document 719 PS, under Number 406, which your Tribunal will find on Page 147 of the document book. It is a pencilled note of the German Embassy in Paris, addressed to the Ministry of Foreign Affairs in Berlin. The German Ambassador reports a conversation which the Vichy Echelon had with Laval. In the fourth paragraph, the last three lines, the author of this note, who is probably Abetz, explains that Bousquet, with whom Laval was at the time of this conversation, stated that he was strictly ignorant of the recent flight of Giraud's brother.

Madame Giraud--this is seven lines before the end of the next to the last paragraph--three of her daughters, her mother and another brother of the General and his daughter-in-law are reported to be at the camp of Vals les Bains. I replied that such measures were insufficient and that one should not be surprised if the German police should some day take these matters in its own hands in view of the obvious incompetence of the French police in numerous cases.

The threat was put to execution. We have already stated before you that the family of General Giraud had been deported.

We place before you Document 717, under No. 407, page 149 of your document book.

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"Paris, 1030 hours, Official State Telegram from General Giraud, the French Delegation of the TMI, Paris, to the French Delegation of IMT, Nurnberg."

From this telegram it is evident that 7 persons, members of the family of General Giraud, were deported to Germany: Madame Granger, daughter of General Giraud, aged 32, was arrested without cause in Tunis in April 1943, as well as her four children, who were aged two to eleven years, with their young nurse and her brother-in-law, M. Granger. They were deported, first, to Berlin then to Thuringia. The family of General Giraud was also arrested on 9 October 1943.

May I ask the forebearance of the Tribunal; the telegraphic style is not very elegant. First to Berlin and then to Thuringia in the case of the women and children, and M. Granger to Dachau. I suppose that we must understand this to mean the wife of M. Granger and the nurse who accompanied her.

THE PRESIDENT: What is the document?

M. DUBOST: This is a French official telegram. You have the original before you, Mr. President. "Official, Paris. State Telegram 101, State, Paris," on the text of the telegram itself.

THE PRESIDENT: Can we receive a telegram from anybody addressed to the Tribunal?

M. DUBOST: Mr. President, it is not addressed to the Tribunal; it is addressed to the French Delegation. It is an official telegram from the French Government in Paris, and it was transmitted as an official telegram to the French Delegation.

THE PRESIDENT: What is the Delegation Francais, TMI, Paris?

M. DUBOST: This is the French Delegation in Paris of the International Military Tribunal in the French Ministry of Justice. It is one of the sections of the French Ministry of Justice. The telegram begins, "By General Giraud." This is a statement of testimony by telegram. The letters "O.F.F." at the beginning of the telegram mean "Official." I excuse myself for insisting that the three letters "O F F" at the beginning of the telegram mean "Official" or "Government Telegram." No French Telegraph Office can transmit an official telegram. This official authority is the French Delegation of the IMT in Paris,

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which received the statement made by General Giraud and transmitted it to us. By General Giraud, care of the French Delegation at the IMT.

THE PRESIDENT: Very well, the Tribunal will receive the Document under Article 21 of the Charter.

M. DUBOST: I am thankful to the Tribunal.

On Page 2 of the document--that is page 150 of your own document book, in the middle of the Page, we read that the death of Madame Granger on 24 September 1943 is assignable to lack of care and medicine, in spite of reiterated requests formulated by her in order to obtain both. After an autopsy of her body, which took place in the presence of the French doctor who had been specially summoned from Paris after her death, authorization was sought for this doctore, Dr. Claque, to bring the four children back to France and then to Spain, where they would be turned over to their father. This was refused by the Gestapo in Paris, and the children were sent back as hostages to Germany, where their grandmother found them only six months later.

In the last four lines it is stated that the health of Madame Giraud; her daughter, Marie Therese; and two of her grandchildren has been gravely altered by physical hardships and particularly by the moral hardships of their deportation.

Seventeen persons were therefore arrested, all of them innocent in the escape of General Giraud, as punishment for such escape.

I have frequently shown that in their determination to bring their reign of terror, the Germans resorted to means which are revolting to human conscience. Among such means, one of the most repugnant is the incitement to falsehood or denunciation.

Document F 278, page 152, which we place before you under Number 408, is a reproduction of an ordinance of 27 December 1941, which is obviously contrary to international law, so much so that the Foreign Ministry of the Reich itself took cognizance of it. On page 152, paragraph 2, the ordinance of 27 December 1941 prescribes as follows:

"Whosoever may know that some one has arms without authorization to do so is obliged to make a statement to this effect at the police headquarters."

On Page 153, The Ministry of Foreign Affairs in Berlin, on 29 June 1942,

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objected to the draft of the reply to the French note, which we do not have here but which must have been a protest against this ordinance of December 1941. The Tribunal knows that in the military operations which accompanied the liberation of our territory, many archives have disappeared, and we cannot, therefore, give to the Tribunal knowledge of the protest of the de facto government to which the note of 29 June of the German Foreign Ministry relates. Based on these considerations, I ask the Tribunal to excuse me.

Paragraph 2 really summarizes the arguments of the French protest.

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The German Foreign Ministry took cognizance of this objection apparently. This note continues:

"Considering these matters, the Ministry of Foreign Affairs considers that it is subject to question whether there should be designated any punishment, applicable without any instructions whatever, on whomsoever will fail to denounce a person who is in possession of arms and who is known by him to possess such arms. Such a prescription of penalty under a general form is, in the opinion of the Ministry of Foreign Affairs, the more undesirable in that it would offer to the French the possibility of calling attention to the fact that the German Army is demanding of them acts which the German Army would consider as guilty if they were committed by German citizens."

This German note, I repeat, comes from the Ministry of Foreign Affairs of Germany and is signed "Strack". There is no more severe condemnation formulated against the German Army than by the Ministry of Foreign Affairs of Germany, but the reply of the German Army will be found by the Tribunal on Page 155:

"Berlin. 8 December 1942. High Command of the Wehrmacht."

The High Command of the Wehrmacht concludes in the fourth paragraph that "it does not seem desirable to undertake with the French Government any discussion on the questions of law invoked by them. Therefore, we consider, also, that there is no ground for replying to the French note."

This note begins by asserting that any softening of the orders formerly given would be considered in France and in Belgium as a sign of weakness. These are the last two lines of paragraph 1. These are not signs of weakness that the German Army gave in the West.

The Army showed itself in a terrorist character, and it brought terror to reign in all of our country to permit the development of the policy of the extermination of vanquished nations, which, in the minds of all German leaders, was and has remained the principal purpose, if not the single purpose, of this war.

This terrorist policy, of which the Tribunal has just seen examples in reference to the repression of attacks of our French Forces of the Interior, developed without any military necessity in all of the countries of the West.

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The devastations committed by the enemy are extremely numerous. We shall limit our presentation to the destruction of Rotterdam at a time when the city had already capitulated and when there was only the question of the form of capitulation to be settled. Secondly, we shall describe the inundations which the German Army caused without any military necessity of any sort in 1945 on the eve of her destruction when that Army already knew that the game was lost

We have chosen the example of Rotterdam because it is the first act of terrorism of the German Army in the West. We have taken the inundations because, without her dykes, Holland ceases to be. Holland disappears when her dykes are destroyed, and those are the fulfillment of the project of destruction of the enemy formulated long since by Germany, as already shown by the citation from Hitler with which I opened my presentation, and which was carried on to the very last minute of Nazi Germany's existence, as proved by the inundation of Holland.

We place before the Tribunal Document F-790 under No. page 38, if you please of the second document book, which comprises a Dutch report on the bombing of Rotterdam and the capitulation ofthe Dutch Army.

"Extermination of Innocent Populations" is on the title page, Your Honor. Onpage 38 and 39 are copies of the translations of documents exchanged between the commander of the German troops before Rotterdam and the colonel who was in command of the Dutch troops defending the city.

On Page 40 Engineer Captain Bakker relates the incidents of that evening which ended by the bombing. At 10:30 a German representative appeared with an ultimatum, unsigned and without any indication of the sender, demanding that the Dutch capitulate before 12:30 noon. This document was returned by the Dutch colonel, who asked to be told the name and the military rank of the officer who had called upon him to surrender.

At 12:15 Captain Bakker appears before the German lines and was received by a German officer. At 12:35 he had a conversation with the German officers in a creamery. A German general wrote his terms for capitulation on the letter of reply, which the representative of the Dutch General Staff had just brought to him.

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At 13:20 Captain Bakker left the place where the negotiations had taken place with the new terms, to which reply must be given. Two German officers escorted him. These escorting officers were protected by the flight of German aircraft, and red fuses were fired by the Germans, at 13:22 and 13:25.

At 13:30 the first bomb fell upon Rotterdam, which was completely set on fire.

On Page 41 -- The entry of the German troops was to take place at 18:50, but it was brought forward to 18:20 hours.

In Paragraph 4 of the same page, -- later the Germans said to Captain Bakker that the red fuses had for their purpose the avoidance of the bombing. However, there had been excellent wireless communication from the ground to the aircraft. Captain Bakker expressed his surprise that this should have been done by means of fuses.

The inundation of the Polder Wieringermeer took place in April of 1945. The document the Tribunal will find on page 7, I believe, of the document book.

"Today German soldiers appeared on the Polder, gave orders, and caused the town to be under guard."

Paragraph 2 of Page 7:

"On 17 April 1945 at 12:15 the dyke was dynamited so that two parts of the dyke were destroyed up to a heighth somewhat higher than the surface of the water of the Ijsselmeer."

Paragraph 2, the last paragraph of Page 7. That is in the second document book, the one which bears the title, "Extermination of Innocent Populations."

On Page 7 of this, last paragraph:

"As for the population, they were alerted during night of 16 to 17 April; that is, at the time when the water was about to invade the Polder. In Wieringenrwerf the news was transmitted from house to house that at noon the dyke would be destroyed. The great Polder, of 20,000 litres, took 9½ to 10 hours to evacuated. Telephone communications had been completely interrupted, and it was impossible to utilize automobiles. This meant that the few individuals who received warning did not receive it until eight o'clock in the morning."

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Page 8, if you please, paragraph 2:

"The time given to the population was, therefore, too short to permit the evacuation of the Polder."

The next to the last paragraph. The looting in the flooded Polder has already been mentioned. During the morning of 17 April, on the day of the disaster, groups of German soldiers began to steal. These soldiers came from Wieringen. Moreover, they broke everything that they did not want to take.

On Page 10, Paragraph 1. The Polder by itself covers half of all the flooded lands in Northern Holland. The Polder was flooded on 17 April, when defeat was already a fact as far as the German Army was concerned. The Dutch people are seeking, with courage, to recover the land which they have lost, but it is an immense loss which the German Army imposed upon those people.

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Terrorism and extermination are intimately related in all countries in the West. On 10 February 1944 -- A document C 45, which we place under the number 410 and which is the first in the document book of the Tribunal -- C 45, page 1, paragraph 1, small (a), shows that the repression, in the minds of the leaders of the German Army, is to be carried out without regard for any factors.

On page 1 of the document book, small (a):

"One must immediately retaliate with weapons. If as a result innocents are struck, this is to be deplored, but it is exclusively attributable to the terrorists."

These lines were written over the signature of an officer of the General Staff of the German Military Command in Belgium and Northern France. This officer has never been condemned by his superiors.

F 665 we place before you under Number 411. Page 2 of your document book. The last paragraph:

"The search of suspected villages requires experience. The force of the SD should be called upon, as well as the forces of the Secret Police. The accomplices of the Partisans must be unmasked and apprehended without any weakness. All collective measures against the inhabitants of entire villages, including the setting to fire of these villages, are to be taken only in exceptional cases and must be ordered exclusively by divisional commanders or by chiefs of the SS and of the Police."

This document is dated 6 May 1944. It comes from the High Command of the Wehrmacht, and it, or at least the letter of transmittal, is signed by Jodl.

This document involves not only the Army General Staff, but the Labor Service; that is to say, Sauckel; and the Todt Organization; that is to say, defendant Speer.

In the next to the last paragraph we can read:

"The present notice is applicable to all of the Wehrmacht and to all organizations which exercise their activities in occupied territories; that is to say, the Labor Service and the Todt Organization."

These orders, which in their spirit tend to the extermination of

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civilian populations, will be carried out strictly, but this will be as a result of collusion between the German Army, SS, the SD and the SIPO.

We place before the report of General Brodowsky under No.405, an excerpt of which is to be found on pages 3, 4 and 5 of the book of documents. It shows on page 3, the penultimate paragraph -- page nine of the German text, second paragraph starting from the top states that repressive operations were carried out and action was undertaken in the southwestern area of the Department of Dordogne m. Lalinde, in which took part a company of Georgians, gendarmes and members of the SD.

On page 4 -- page 10 of the German text -- 14 June 1944, is a statement of the destruction of Oradour. I shall come back to the destruction of this village. Six hundred persons were killed, writes General Brodowsky. It is underscored in the text. The whole male population of Oradour was shot. Women and children took refuge in the church. The church caught fire. Explosives had been placed in the church. All the women and children died. We shall let you know the results of the inquiry on the destruction of Oradour.

The Tribunal will see to what degree General Brodowky lied when he described in the just cited terms Oradour. Page 5, paragraph 2.

"On 9 June 1944 the barracks occupied by the 13-95 section was attacked by terrorists."

"The struggle was terminated, thanks to the support of units from the Panzer Division Das Reich. One hundred twenty male inhabitants of Tulle were shot, and 1,000 turned over to the SD of Limoges for inquiries."

In reality, those 120 patriots were not shot, but hanged, as we shall show presently.

THE PRESIDENT: M. Dubost, could we see the original of this document?

M. DUBOST: I showed it to you this morning, Mr. President. I placed it before you this morning. It is a rather large document, if you will remember, sir.

THE PRESIDENT: Yes. We would like to see it.

DR. SERVATIUS (Counsel for defendant Sauckel): I should like to rectify an error now before it is carried any further. The prosecuting attorney spoke previously of various people --

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THE PRESIDENT (Interposing): It is not coming through. The translation is coming through to the Russian members in French.

DR. SERVATIUS: The French Prosecutor pointed out that certain people were put at the disposal of the Arbeitsdienst. I should like to point out that the Arbeitsdienst is not to be confused with the Arbeitseinsatz. The Arbeitseinsatz was directed by Sauckel, whereas the Arbeitsdienst had nothing whatsoever to do with Sauckel. I should like to ask the Tribunal to take judicial notice of that distinction. That is what I wished to state.

THE PRESIDENT: It still isn't coming through correctly to the Russian members. The Tribunal will adjourn for five minutes.

(Whereupon a recess was taken from 1450 to 1535 hours).

THE PRESIDENT: The attorney for Sauckel, I think, was addressing the Tribunal.

DR. SERVATIUS: I had pointed out the difference between the Arbeitsdienst and the Arbeitsseinsatz. The French prosecuting attorney apparently confused the Arbeitsdienst with the Arbeitseinsatz, for he said that the Arbeitsdienst was in some way connected with Sauckel. That is not so. The Arbeitsdienst is an organization that existed before the war started, in which young people had to do a certain length of service as preparation for their military training and they were later inducted into the army. The Arbeitsseinsatz was concerned solely with the recruiting of labor service for the furthering of the war effort. It follows, therefore, that Sauckel cannot be associated with the objections that were made in this connection. That is what I wanted to say.

M. DUBOST: The German words were translated in an identical manner in French. A verification having been made, the remarks of the defense are correct and Sauckel is not involved, only the army is.

THE PRESIDENT: Very well.

M. DUBOST: When we were interrupted by this technical difficulty, we were about to present a few examples of terrorist exterminations in Holland, in Belgium, and in other countries of the West.

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In Holland, as an example amongst a thousand, there were the massacres of Putten of 30 September 1944. They are included in document No. F 719, which we place before you under No.409, and which is to be found on page 46 of the document book before the Tribunal. On 30 September 1944 an attempt was committed by members of the Dutch resistance against a German automobile in which there were two officers. The Germans

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concluded that the village was a refuge for partisans. They searched the houses of the inhabitants; they gathered the population together. A wounded German officer had been taken prisoner by the Dutch resistance. The Germans declared that if the officer was released within twenty-four hours there would be no reprisal exercised. The officer was so released, after having been medically cared for by the soldiers of the Dutch resistance who had captured him. However, in spite of the pledge given, reprisals were visited upon the village of Putten, whose inhabitants were all innocent.

Paragraph 2 of the Dutch report which I now cite:

"The population which had gathered together in the church was informed that the men would be taken away; that the women had to leave the village; and that the village would be destroyed. One hundred and five houses were burned. It is estimated that the census of the village comprised 2,500 houses. Eight persons who were seeking to take flight, amongst whom was one woman, were killed with shots."

In the third paragraph:

"The men were transported to the concentration camp of Amersfoort. Among them were many people who had entered the village and who could not leave it again. They were merely passing in the village. At Amersfoort they released fifty men. About twelve of them jumped from the train during the convoy. Finally, 622 men were tranpsorted to Auschwitz. The greater part of them had died at the end of the first two months. Of the 622 men who were taken away only thirty-two inhabitants of Putten and ten from other towns had returned after the liberation."

In Belgium, we will cite only a few facts which are related in document No. F-685, already placed before the Tribunal under No. RF-394. This document is to be found on page 47 in your document book. The last two paragraphs describe the assassination of a young man who had sought refuge in a shelter. He was killed by the Germans who were looking for soldiers of the Belgiam secret army.

At Herve -- the last paragraph of that page -- the Germans fired on a lorry filled with people, civilians and killed them. Two civilians were killed by a tank on the same day.

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On page 48, paragraph 1 and 2:

"Summary executions of members of the secret army."

Paragraph 3:

"At Anhee, shots having been fired upon them, the Germans crossed the Neuse River. They set fifty-eight houses to fire and they brought down thirteen men. At Annevoie, on the 4th, the Germans came across the river and burned fifty-eight houses."

Then there come descriptions, useless destruction from the military point of view, in the five paragraphs which follow. Let us now proceed to the last paragraph.

"At Arendonck, on the 3rd, eighty men were killed; five houses were burned. At St. Hubert, on the 6th, three men killed; four houses burned. At Hody, on the 6th, systematic destruction of the village; forty houses destroyed; sixteen people killed. At Marcourt, ten people were shot; thirty-five houses were burned. At Nerdeteren, on the 9th, nine people were killed. At Oost Ham five persons were killed. At Balen-Neet, on the 11th, ten persons were shot."

Page 49 contains the description of German repressions at the time of the temporary stabilization of the front, the next to the last paragraph:

"At Hechtel, the Germans having withdrawn in front of the British vanguard, the inhabitants put out the flag. Then fresh German troops came to hold back the British vanguard and reprisals were exercised. Thirty-one people were shot; eighty houses were burned, and general looting took place. At Helchteren, under similar circumstances, thirty-four houses were set to fire and ten people were killed."

Paragraph 2 of page 50: "At Herenthout. The circumstances inwhich these men were executed are always identical. Teh Germans search the cellars, bring the men out, line them along the highway and shoot them, after having given them the order to run, Men with grenades are thrown into the cellars, wounding the women and the children."

Last paragraph:

"At Lommel, an unforseen return of the German soldiers found the village with flags out. Seventeen persons who had sought refuge in a shelter were noticed by a German. He motioned to a tank which came upon the shelter and

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maneuvered until he crushed the shelter, killing twelve people."

In the case of Norway we shall read an excerpt from a document already placed before you under No. RF-326, page 51 and 52 of your book. The first example, now quoting paragraph 2:

"On April 13, 1942, women of thirty years were shot at Reingeke. On 15 April, four civilians, of whom were two boys aged fifteen and sixteen, were shot at Aadal. One of the victims received a shot in the head and was wounded in the abdomen. On 19 April, four civilians, among whom were two women and a little boy thirteen years old, were shot at Ringsaker."

The last paragraph on that page -- page 51:

"To avenge the death of two German policemen killed on 26 April 1942 at Televaag, the entire town was destroyed; that is say, more than eighty properties with 334 buildings, causing a damage of 4,200,000 crowns."

On page 52 the Tribunal will find the sequence of the descriptions of German atrocities committed in Norway without any necessity of military character, and merely for the purpose of maintaining the reign of terror. In France, massacres, destructions without military purpose, were extremely numerous, and all of them were linked together. We place before you F-243 under No. 412. The Tribunal will find this document on page 178 of the document book. It is a long list drawn up by the War Crimes Research Service in France on the towns that were destroyed and looted without any military necessity. These enumerations go from page 179 to page 193 of the document book placed before the Tribunal. The Tribunal will undoubtedly be sufficiently enlightened by the reading of this document. We shall give but a few examples. As we place this document F-909 under No. RF-413, we intend to relate the conditions under which a whole section of Marseilles was destroyed -- pages 56, 57, and 58 of the document book which the Tribunal has in hand. Page 57, if you please. It is estimated that the number of 20,000 people were evacuated. This evacuation was ordered on the 23rd of January. It was carried out without warning during the night of the 23rd to the 24th.

"It is estimated that the number of people evacuated reached 20,000 from Frejus. Some of them were shipped by the Germans to the concentration camp of Compiegne."

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On page 58, paragraph 2:

"The demolition operations began on the 1st of February at about 9 o'clock in the morning. They were carried out by troops of the German Engineer Corps."

The last three lines of this paragraph:

"The area destroyed is equivalent to fourteen nectares; that is to say, approximately twelve hundred buildings. Inquiry was made to find those who were responsible for this destruction after the liberation of Marseilles: the German consul in Marseilles, von Speigel, was interrogated." His testimony is incorporated in document F-908, which we place before you under No. 414, page 53 of your document book. We will read only the last paragraph on page 54: Speigel stated:

"I know that a very short time after the evacuation of the old port, the rumor was prevalent that this measure had been brought about by financial interests. I am in a position to affirm that such a hypothesis is erroneous. The order came from the higher echelons or organizations of the Reich Government who invoked only two motives: Security of troops, dangers of epidemics."

We do not intend to give you a complete description of the attacks committed by the Germans but merely a few examples. Document F-600, page 59, we place this document before you under No. 415.

"At Ohis, Aisne, civilians sought to give something to drink to an American soldier. The Germans returned. The American soldier was taken prisoner and M. Hennebert was also taken away by the Germans to a spot designated as the "black market" in the Town of Origny in Thierarche where his body was later discovered partly hidden under a stack of wood. The body bore the trace of two bayonet wounds in the back."

At Lagniev -- document F-604, placed under No. 416, page 61 of the document book.

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"A civilian was killed in his vineyard. Young people, young women, were killed on the highway."

At the pottom of page 61, before the certification formula: "Motive given: Presence of resistance groups in the region."

All these victims were completely innocent.

At Culoz, Document F-904, which I place before you under No. 417, page 62 of your document book:

"Young boys were arrested because they had taken flight at the sight of the Germans. They were deported." This is three paragraphs before the end of the page. I am quoting the next to the last paragraph:

"Not one of them belonged to the resistance."

At St. Jean Maurienne, Document F-906, placed before you under No. 418, page 63 of your book of documents, paragraph 3:

"The Gendarmes, on 23 July" -- I am now quoting -- "Chavanne and Empereur, dressed in civilian clothes, were arrested by German soldiers without reasonable motives. The lieutenant who was in charge of the Kommandantur promised the liberation of these three men to the officer of the Gendarmes. This German later surreptiously ordered his men to shoot these prisoners."

Page 64, paragraph 4, the 1st of September:

"Madamoiselle Perraud, twenty-one years of age, who was a maid at the Cafe Dentroux, was raped by a German soldier under threat of a pistol."

I mention merely all the atrocities described in the document, on to page 68 of your book.

I come to the Vercors. This region was undeniably an important assembly center for French Forces of the Interior. Document F-611, which we place before you under No. 419, relates the atrocities committed against the innonent population of this region as reprisals because of the presence of the Maquis men. This document appears in your book under page 69, et seq. Paragraph 3 of page 69 is an enumeration of police operations in this area of 15 June, carried out in theregion of St. Donat, of rapes and looting; second, execution at Portes-Les-Valence on 8 July 1944 of thirty hostages taken among the political prisoners interned at

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Fort Montluc at Lyon; third, police raids carried out against the Maquis of the Vercors Region from 21 July to 5 August 1944; rapes and looting in the region of Crest, Saillans, and Die; bombing by aircraft of numerous villages in the Vercors and in particular Chapelle and Vassieux in Vercors; summary execution of inhabitants of these towns; looting, lynching of wounded men, execution after summary judgment of about a hundred young men at St. Nazaire; deportation to Germany of three hundred others from this region; murder of fifty gravely wounded individuals in the Grotte of La Luire.

Page 70, paragraph 1, on 15 June 1944; "Attacked by the German troops at St. Donat" -- I am quoting-- "which the Maquis had evacuated several days earlier."

Paragraph 5, page 54: I am quoting: "Fifty-four young women from thirteen to fifteen years of age were raped by the maddened soldiers." The Tribunal will forgive me if I avoid citing the atrocious details which follow.

Page 71, the last paragraph: "Bombing of the villages of Combovin, La Baume, Cornillanne, et cetera" -- I am now quoting:--"The losses caused by these bombings among the civilian population was rather high, for in most cases the inhabitants, caught by surprise, didn't have time to seek shelter."

Page 72, third paragraph: "Two women were raped atCrest." This in paragraph 3, and in the fourth paragraph the same thing, three women in Saillans.

Page 73, paragraph 4: I am quoting: "The young girl of twelve, who was wounded, was caught between beams and awaited death for six long days without being able either to sit down or sleep and without receiving any food, and that under the eyes of the Germans who were occupying the village."

Page 76; medical certificate from Doctor Nicolaides, who examined the women who were raped in this region.

I proceed: F-612, placed before you under No. 420, page 77: "To terrorize the inhabitants they hanged at Trebeurden people who were innocent, and the faces where slashed with knives."

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I proceed: F-912, placed before you under No. 421, page 82 of your book: It is the recital of the massacre of thirty-five Jews at St. Amand Montrend. These men were arrested and assassinated with pistol shots in the back by members of the Gestapo and of the German Army. They were innocent of any crime.

I proceed: Document F-913, placed before you under No. 422, page 96 at the bottom of the page. I am quoting: "On 8 April 1944 German soldiers of the Gestapo arrested young Besiddon, eighteen years of age, dwelling at Oyonnax, whose brother is in the Maquis." On page 97: "The body of this young man was discovered on 11 April 1944 at Sieges (Jura) frightfully mutilated. His nose and tongue had been cut. There were traces of blows over his whole body and of slashes in his legs. Four other young men were also found at Sieges at the same time that Bessidon was. All of them had been mutilated in such a manner that they could not be identified. They carried no trace of bullets, which clearly indicates that they died from the consequences of ill-treatment."

I proceed: F-605, which I place before you under 423, page 98 of your document book. "Destruction of the village of Cerisay in the Deux-Severs Dept, page 100 of your document book, next to the last paragraph: "The fire did not cause any accident to persons, but the bodies of the two persons killed by German convoys and those of the two victims of the raids were burned."

This village was destroyed with artillery fire. One hundred seventy-two buildings were destroyed and five hundred fifty-nine people were left homeless. That is from the last line of page 100 of your document book.

We place before you Document F-919 under No. 424 and we shall quote only page 103 of your document book, paragraph 4:

"This is the murder of a young man of Tourack. in the Finistere Dept. The murderers compelled the mother to prepare a mean for them." I am quoting: "Having been fed, they disinterred the victim. They searched and found that the body bore a card of identity bearing the same name and address as his mother, brothers, and sisters, who were present and who were in tears. One of the soldiers, finding no excuse to explain this crime, said dryly before going away, "It is too bad," and the body was again buried.

Document F-616, placed before you under No. 427, page 104: This concerns the report of the operations of the German Army in the region of Nice around 20 July 1944, page 105 of your document book, second paragraph: I quote:

"Having been attacked at Presle by several groups of resistance in the region, by way of reprisals the Mongolian detachment, still under the orders of the SS, went to a farm where two French members of the resistance had been hidden. Being unable to take them prisoners, these soldiers then took the proprietors of the said farm, the husband and wife, and after exposing thm to numerous atrocities, knifings, rapes, et cetera, they brought them down with sub-machine guns. Then they took the son of these victims, who was only three years of age, and after having frightfully tortured him they crucified him on the gate of the farmhouse.

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I'll go on. We place document 914 under No. 426, page 107 of your document book. This was a long recital of the murders committed by the German Army in Rue Tronchet at Lyon without any cause whatever. Page 109 at the end of the last paragraph I now read: "Without preliminary warning, without any effort having been made to verify the exact act or accusation, and if necessary to see those who were responsible for the act, the soldiers opened fire. A certain number of civilians, men and women and children fell down. Others who were intact or only slightly wounded, fled in the house seeking refuge."

Page 110 or on page 111 the Tribunal will find the statement of the testimony, or of the official testimony that was drawn up on occasion of the events. We place without quoting, which we ask you to take judicial notice of, only the minutes relating to the crimes of the German Army committed in the region of Loches Department and of Indre in Loire. Document F617 placed before you under No. 427 and on page 115 of your document book, Document F 607, placed before you under No. 428, which is on page 119 of your document book, describes the looting, rapes, and fires committed at Saillant during the months of July and of August in 1944. I quote the third paragraph: "During their sojourn in the region - "I mean the German soldiers," - three rapes were committed against women, three women in that area."

I pass on F 608, page 120 of your document book placed before you under No 429; a person was burned alive at Puisots at Vercors, on a punitive expedition. This person was innocent.

I place document F 610 under number 430 the whole region of Vassieux it is at page 122 of your document book, the whole region of Vassieux in Vercors is devastated. This document No F610, is a report established by the Red Cross prepared prior to the liberation, or immediately prior thereto. Page 123 of your document book, I am quoting: "We find in a room a man wounded. He was struck by eight bullets in the following state. The Germans forced him to set fire to his own house, and they tried to prevent him from emerging from the place by shooting pistols at him. In spite of his wounds he was able to miraculously escape."

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We place Document F 618 under No. 431, page 124 of the document book, also page 125, the next to the last line. I am quoting: "Concerning people who were executed." The next to the last line: "Before being shot these people were tortured. One of them, M. Duperrier Francis, with a broken arm and his face completely mutilated, and M. Perroud Plattet had been completely disemboweled with a piece of sharp wood. His jaw bone was also all crushed."

We place document 605 under number 432, page 126. This document relates and describes the burning of a hamlet, the place of M. Moutiers, in the Department of Savoy. I read at the beginning of the eighth line, the end of the second paragraph: "Two men and Mme. Romanet, 72 years old, and her daughter, age 41, were burned in a small house of a small place, in the dwelling where they had sought refuge. The man, Mr. Charvaz, was shattered by a bullet, who was found wretched in the same place and also burned.

We now place under No. 433 French document F 298, page 127, following in your document book, which describes the destruction of Maille' in the Department of Saint-Maure. That area was entirely destroyed on 27 August 1944, and a large number of its inhabitants were killed or seriously wounded. This destruction and these crimes were motivated by no terrorist action, by no act of French force of the interior.

We place before you F 007 under No. RF 434, page 132, following in your document book. This document relates to the crimes committed by the German Army at Montpezat. This is a letter written to the French Delegation by the Bishop of Montauban, Monsigneur Theas, on the 2nd of May. I quote: the second paragraph of page 132, "On 2nd May 1944 involving struggles agains the Mighty-"

THE PRESIDENT: Can I see your document?

M. DUBOST: Yes.

THE PRESIDENT: Mr. Dubost, how do you make out this exhibit? It is not the official document, is it, in any shape or form?

M. DUBOST: That is document F 673, page 139, of your document book, that we first refer to the events.

THE PRESIDENT: There is some other document you mean?

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M. DUBOST: Document F 907 really explains Document F 673, which is on page 139 of the Document Book; and this is the document as Exhibit 3, prepared letter by Monsigneur Theas, who is Bishop of Montauban. I wish to present that by referring to Document F 673 if the Tribunal is not disposed to grant sufficient credit to that document F 907.

THE PRESIDENT: I think that would be better.

M. DUBOST: This first number, F 673, placed under No. 392, page 139 of your document book. This document relates to the incident following crimes by the Germans, which is represented in paragraph 1, page 139, that is a letter by the French Armistice Commission, and knowledge is from the German Army Commission in these documents.

"On the night of 6th or the 7th June last, at the time of an operation in the region of Montpezat-de-Quercy, German troops set fire to four farm houses which formed the hamlet designated as Perches. Three men, two women, and two children, 14 and 4 years old, were burned alive. Two women and a child of ten disappeared and probably were exposed to the same fate.

"On Saturday, 10 June, having been shot at by two refractories in the village of Marsoulas, German troops killed these two men. Moreover, they massacred, without any explanation, all the other inhabitants of the village that they could get their hands on.

"Thus were killed seven men, six women, and 14 children, most of them still in their bed at the early hour on which this crime took place.

"On 10 June, at about 1900 hours, five Luftwaffe fliers showered for one half hour the town of Tarbes with bombs and machine guns. Several buildings were destroyed, among them the hotel of Ponts et Chaussees, and the Academic Inspectorate. There were seven dead and about ten wounded who were naturally struck haphazardly amongst the population of the city.

"On this occasion the general in command of the VS-659 at Tarbes immediately announced to the prefect of the department of Basses-Pyrenees that the operation had been neither provoked nor ordered by him.

"Following each of these events the prefect of the Region of Toulouse addressed to the General commanding the H.V.S. 564, letters in which in

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dignified and measured terms he protested against the acts in question. At a time when innocent women and children were deliberately put to death he formulated quite accurately the opinion that under no circumstances could children in the cradle be considered as accomplices of the terror raids. He requested finally that instructions be given to avoid the recurrence of such painful scenes.

"Answering in toto on the 19th of June, to the three letters of the Regional Prefect of Toulouse, the chief of staff of the general commanding the Principal General Staff Liaison 564 announced that 'the position of principle' is taken by his chief. The latter justifies the acts of reprisal cited because of the following:

"The French population has the duty not only to flee from terrorists but also to render their operations impossible, which will avoid any reprisals against innocents. In the struggle against terrorism the German Army must employ and will employ all means at its disposal, even methods of combat new in Western Europe. The terroristic raids of the Anglo-Americans are now causing the massacre of thousands and thousands of innocent women and children in Germany. Their innocent blood has been shed by the guilt of the Army, and therefore the German soldier must use his arms in the South of France.

"I have the honor of requesting you, General Bridoux, from the German Commisssion whether the French Government is to consider the arguments cited above as reflecting accurately the

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position taken by the German High Command face to face with the fact that has been indicated in the first part of the present letter."

We now place before you Document F-190, under Number 435, Page 141 of the document book, which describes the crimes committed at Ascq by a German unit, which, in reprisal for the destruction of the railway, massacred 77 men of all categories and all ages, among whom were 23 railway workers, employees, industrialists, businessmen and workmen. I quote the last part of the penultimate paragraph of Page 145:

"The oldest of these victims, M. Briet, retired, was 74 years old, having been born on the 3rd of October 1869, at Ascq. The youngest, Jean Roques, a student, son of the Raceveur financial secretary, was 15 years old, having been born on the 4th of January, 1929, at Saint Quentin. Father Gilleron, who was the priest of Ascq, and his two protegees, M. Averlon and sons, who were refugees from the coastal area, were shot down."

This massacre was the cause of a protest made by the French Government at that time, to which the Commander-in-Chief von Runstedt replied on the 3rd of May 1944, Document F-673, which we have already placed before you. That is on page 154. Number 392 was the number under which it was placed before you. The reply of this superior officer of the German Army is the last paragraph of 154:

"The population of Ascq bears the responsibility for the consequences of the treacherous conduct which I can only firmly condemn."

General Berard, president of the French delegation attached to the German Armistice Commission, was not satisfied with the reply given by Runstedt, and on 21 June 1944 he reiterated the French protest, addressing it this time to General Vogl, president of the German Armistice Commission. This is 673, Page 155, of your document book. I now quote the second paragraph of page 155:

"In all, from 10 October 1943 to May 1944, more than 1200 persons were thus made victims of these measures of repression."

The last two lines of page 155: "These measures of repression strike against innocents and strike terror amongst the French population."

Page 157, next to the last paragraph: "A great number of those that had been mentioned took place in the course of repressive operations directed against populations which were accused of having had relations with

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the Resistance. In such operation there was never any concern of discovering whether the people who were suspected of having rendered service to the Rebels were really guilty, and even less in this case the concern of discovering whether these people had acted of their own free will or under duress. The number of innocent people thus executed is therefore considerable."

The last paragraph: "The repression operatin in Dordogne of 26 March to 3 April 1944, and particularly the tragic incident of Ascq, which have already brought about the intervention on the part of the French Government at Ascq specifically, 86 innocents paid with their lives for one attempt, which, according to my information, did not cause the death of a single German soldier."

End of paragraph 3, Page 158: "Such acts can only stimulate the spirit of revolt of the enemies of Germany, which after all are the only beneficiaries."

The reply of the Armistice Commission, Document F-707, placed before you under Number 436, is a rejection of the request formulated by General Berard. The document is before you. I don't think it is necessary for me to quote it.

General Berard, on the 3rd of August 1944, reiterated this protest. This is Document 673, already deposited before you, Page 160 of your document book. And on Page 162 in your own document book, at the end of his protest he writes:

"An enemy who surrenders must not be killed even if he is a Franc-tireur or a spy. The latter shall receive from the Tribunal a just punishment, but this is only the text of the German stipulations applying to domestic matters."

We place Document F-706 before the Tribunal, which is again a note from the Secretary of State for Defense to the German general, which protest is also against measures of destruction taken by the German troops in Chaudebonne and Chaveroche. We shall not read this document. The Tribunal may take judicial notice of it if it deems it necessary.

We now come to the statement of the events of Tulle during which 120 Frenchmen were killed. Page 169, paragraph 2. I am now quoting:

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"On 7 June an important group of Franc-tireurs attached to the French Forces for the maintenance of order, succeeded in seizing the greater part of the town of Tulle, after a combat, which lasted until dawn."

On page 170, first paragraph: "The same day at about 20.00 hours, important German armed forces came to the assistance of the garrison and penetrated into the city from which the terrorists withdrew in haste."

Next to the last paragraph: "These troops toward morning now decided to exercise reprisals. The French Forces of the Interior that had taken the town had withdrawn. The Germans had taken no prisoners. The reprisals will be extended upon civilians. Without instruction they were arrested." And I am now reading the penultimate paragraph of page 170.

"The victims were selected without any inquiry, without even any questioning--haphazardly; workmen, students, professors, industrialists. There were even among them some militia sympathizers and members of the Waffen SS. The 120 corpses who were hanged from the balconies and lamp-posts of the avenue of the station, the length of 500 meters, was a horrible spectacle, and for a long time will remain in the memory of the unfortunate population of Tulle."

And the crowning event in these German atrocities--we now come to it--will be the destruction of Oradour sur Glane, in the month of June 1944. The Tribunal will accept perhaps we hope the placing of document F-236, which now becomes document 438. This is a book, an official book, entered by the French Government, which gives a full description of the events. I shall give you a brief analysis of the report of the "de facto" Government of the time, sent to the General who was Commander in Chief for the Regions of the West, that is, to the German General who was the Commander in Chief for the West.

"On Saturday, 10 June, a detachment of SS, probably belonging to the 'Das Reich' Division which was in the region, burst into the village after having completely surrounded it."

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This is on page 172 of the document book, the large document book, not the little printed text that has just been given to you: on page 72, paragraph 2.

THE PRESIDENT: Page 72?

M. DUBOST: 172, Sir. "On Saturday, 10 June, beginning of the afternoon, a detachment of SS belonging very likely to the "Das Reich" Division which was present in the area, burst into the village after having surrounded it entirely and ordered the gathering of the population on the central square. It was then announced that a denunciation had indicated that explosives had been hidden in the village and that searches and verifications of identity were about to take place. The men were invited to group together in four or five units, each of which was locked into a barn. The women and children were led into and locked in the church. It was about 14.00 hours. A little later the machine gunning sounded and fire was set to the whole village, as well as to the surrounding farms. The houses were set on fire one by one. The operation lasted undoubtedly several hours, in view of the extent of the locality and of the town. In the meantime the women and the children were in anguish as they heard the echoes of the fire and of the shootings. At 17.00 hours, German soldiers penetrated into the church and placed upon the communion table an asphyxiating apparatus which comprised a sort of box from which shreds of flame were emerging A little time shortly thereafter the atmosphere became unbreathable. Someone was able to break the door which was able to bring the women and children back to consciousness. The German soldiers then started to shoot through the windows of the church, and they came in to finish with machine guns the remaining survivors. Then they spread upon the soil inflammable material. Not a single woman was able to escape. Having reached the window, the cries of a mother who tried to get to her children drew the attention of one of the guards who fired on the would-be fugitive and wounded her seriously. She saved her life by simulating death and she was later cared for in a hospital of Limoges.

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"At about 18.00 hours the German soldiers stopped the departmental tram which was going in the neighborhood and had passengers going to Oradour come down, and having machine gunned them, they threw their bodies in the furnace.

"At the end of the evening as well as the following day, which was a Sunday, the inhabitants of the surrounding hamlets, alarmed by the fire and anguished because of the absence of their children who had been going to school at Oradour, attempted to approach, but they were either machine gunned or driven away by force by German guards who were guarding exits of the village. However, in the afternoon of the Sunday, some were able to come into the ruins, and they stated that the church was filled with the remains of women and children, all carbonized--calcinated. An absolutely reliable witness was able at the opening of the church to see a woman holding her child in her arms, and in front of the altar the body of a little child kneeling, and near the confessional the bodies of two children arm in arm.

"During the night of Sunday to Monday the German troops returned and attempted to remove the traces by proceeding with the summary burial of the women and children outside of the church.

"The news of this tragedy spread through Limoges during the day of Sunday, 11 June, during the evening-- The General who was commanding the Verbindungsstab, refused to grant any laissez-passers which were requested by the Regional Prefect, finally so that he himself and a delegate of the Prefect could circulate in the area. Only the Sub-Prefect of Rochechouart was able to go to Oradour and report to his Chief on the following day that the village, which comprised 85 houses,was only a mass of ruins and the greater part of the population, women and children included, had perished.

"On Tuesday, 13 June, the Regional Prefect finally obtained the authorization of going there and was able to proceed to the town, accompanied by the Delegate Prefect and the Bishop of Limoges in the church which was partly in ruins. There was still human calcinated

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remains of children. The bones were mixed with them. The ground was strewn with shells having the 'S.T.K.A.M.' brand upon them and there were numerous traces of bullets the height of a man. Outside of the church the soil was freshly disturbed, and one could see remains of children's bodies. Outside children formed a spectacle, partially covered with various materials, and constituting a horrible sight."

The paragraph before the end: "Although it is impossible to give the exact number of these victims, one can state that there are 800 to 1000 dead, among them many children who had been evacuated from regions threatened by bombardment. There doesn't seem to be more than ten survivors among the persons present at the village at the beginning of the afternoon of 10 June. Such are the facts. I have the honor, General, of asking you, sir (General Bridoux speaking to his enemy), to be good enough to communicate them to the German High Command in France. I strongly hope that he will take them to the knowledge--bring it to the knowledge of the Government of the Reich, because of the political importance, because of their repercussion on the mind of the French population."

Since that time inquiry was conducted, and you will find it in the book which has been placed before you. This inquiry has shown that no member of the French Forces of the Interior was in the village. There were none within several kilometers. It is even proved that the causes of the massacre of Oradour sur Glane were distant and remote. The units which perpetrated this crime apparently did so as an act of vengeance, because of an attempt directed against it about 50 kilometers further away.

The German Army ordered a judiciary inquiry--judicial inquiry. The document F-673, page 175, and 176, so indicates. Page 176: this document is dated 4 January, 1945.

"There were no Germans in France at that time, at least not in Oradour sur Glane. The version given by the German authority is

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that of reprisals for military reasons, absolutely justified. The German military commander fell in the combat of Normandy."

These are the last four lines of paragraph 4 of page 176: "According to these facts, these reprisals seem to be absolutely justified by military reasons. Therefore, in the eyes of the German Army, the crime of Oradour sur Glane which I have described to you plainly, is a crime which is fully justified."

The guilt of Keitel in all these matters is certain.

In document F-673, and this will be the end of my explanations, is a strange doucment which is signed by him. It was drafted on the 5th of March, 1945. It concerns the so-called executions without judgment of French citizens. You will find it on page 107. It will show the Tribunal the manner in which upon orders these inquiries, these criminal inquiries were conducted by the German Army, following incidents as grave or as bad as that of Oradour sur Glane. From this document, page 177, which I should cite in its entirety, I wish only to look at the next to the last paragraph.

"It was in the interest of the Germans to answer as promptly as possible to these condemnations."

THE TRIBUNAL: Isn't this a document of which we can take judicial notice and therefore if you want to put the whole document in you must put it in.

M. DUBOST: You have already accepted it, sir.

THE PRESIDENT: It already has been read.

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M. DUBOST: You have already accepted it. This is F-673. It was placed before you under No. 392 and this is the whole bundle of documents of the German Armistice Commission.

THE PRESIDENT: Yes, but is it a public document? It is not a public document, is it?

M. DUBOST: I believe that the Tribunal would want me to read it in its entirety.

THE PRESIDENT: Well, F-673, seems to be a very large bundle of documents. That is right, isn't it?

M. DUBOST: Yes, sir.

THE PRESIDENT: This particular part of it, this document signed by Keitel, is a private document.

M. DUBOST: The document which comes from the German Armistice Commission, it was presented several hours ago under No. 392 and you did accept its being deposited before you.

THE PRESIDENT: I know we accepted its being deposited, but that doesn't mean that the whole of the document is in evidence. I mean, we have ruled over and over again that documents of which we do not take judicial notice must be read so that they will go through the interpreting system and will be interpreted into German for the German counsel.

M.DUBOST: I am therefore going to give you the reading of the whole document.

THE PRESIDENT: Very well.

M. DUBOST: "The High Command of the Wehrmacht, Headquarters of the Fuehrer, 5 March 1945. I am dealing with the question of West/QU 2(1) No.-01487/45-G, dealing with the question of Captain Cartellieri, concerning so called executions without trial of French citizens.

"1. German Armistice Commission.

"2. Command in the West, Western Command.

"In the month of August 1944, the French Commission attached to the German "Armistice Commission, addressed a note to the latter, giving an exact statement of incidents concerning so called arbitrary executions of

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Frenchmen from the 9th to the 20th of January, 1944. The information given in the French note were for the most part so accurate that a control, a verification from the German side was undoubtedly possible.

"On the date of 26/9/1944, the High Command of the Wehrmacht entrusted the German Armistice Commission with the study of this affair. The said commission did later request the Western Command to carry out an inquiry on the incidents and the position taken on the facts submitted in the French note.

"On the 12th of February 1945, the German Armistice Commission received from the Army Group B, from the President of the Military Tribunal of the Army Group B, a note stating that the documents referring to this affair were since November 1944, with the Judge of the Army Pz, AOK 6, and that Pz, AOK 6; and the Second SS Panzer Division, Das Reich' had in the meanwhile been detached from Army Group B. The manner in which this affair was inquired into causes the following remarks to be made. The French and specifically the Vichy Government Delegation have addressed to the German Wehrmacht the grave reproach of having carried out unjustified executions, unjustified by the laws of war against citizens of France - therefore, murders.

"It was in the interest of Germany to answer as promptly as possible against such reproaches. In the long period which has elapsed since the French note was prepared, it should have been possible, even considering the evolution of military events and the movements of troops in relation with such events, to take at least part of these reproaches and to challenge them by examination of the facts. "If merely one fraction of the condemnation had been refuted," - this sentence is important - "if merely one fraction of these condemnations had been refuted, it would have been possible to show the French that all of their claims rested upon doubtful data by the fact that in this matter nothing was done as far as the Germans were concerned. The enemy must have the impression that we are not in a position to answer these condemnations. Their study of this matter shows that very frequently there exists an utter lack of awareness of importance of refuting all reproaches that are formulated against the Wehrmacht and to act against German propaganda. The German Armistice Commission has been entrusted by the present

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letter to continue the study of this matter with all necessary energy. We ask that every assistance be given, especially with respect to the compilation of this inquiry on the part of everyone concerned."

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"The reality of the fact that Panzer Aok 6 is no longer under western command is not an obstacle to obtain the necessary information to cast light and to permit repetition of the French condemnation."

THE PRESIDENT: M. Dubost, you stated, I think, that this document implicated Keitel.

M. DUBOST: It is signed byKeitel, sir.

THE PRESIDENT: Signed by him, yes, but how does it implicate him in the affair of Oradour?

M. DUBOST: Mr. President, the French Commission, called on many occasions by the Vichy Government, brought to the attention of the German Government not only the atrocities of the Oradour but numerous other atrocities. Orders were given, so that these facts constitute absolute reality not merely in the eyes of the French but in the eyes of all those who have objectively inquired into the problem. This should be examined for the purpose of refuting part of the reproaches of the condemnation. This letter is the protest formerly lodged by the French, and we read part of it before you in the course of this examination of the problem, specifically, the fact noted in the letter of General Bridoux and which shows the assassination of Frenchmen at Marsoulas in the department of Hte.-Garonne, among them fourteen children.

THE PRESIDENT: I think you said that that was the last document you were going to refer to?

M. DUBOST: It is the last document.

THE PRESIDENT: Ten minutes past five. Shall we adjourn? M. Dubost, could you let us know what subject is to be gone into tomorrow?

M. DUBOST: Crimes against humanity, by my colleague M. Faure. If you will allow me to present my conclusion this evening--. Our work has been delayed somewhat this afternoon.

THE PRESIDENT: How long do you think you will take, M. Dubost, to make your concluding statement?

M. DUBOST: I think by five-thirty I shall be through.

THE PRESIDENT: I think perhaps, if it is as convenient to you, we had better hear you in the morning.

M. DUBOST: I am at the orders of the Tribunal.

(Whereupon at 1710 hours the hearing of the Tribunal adjourned to reconvene at 1000 hours, 1 February 1946)